

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MEGAN L. B.,

Plaintiff,

v.

**COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

Case No. 6:21-cv-01743-IM

**ORDER GRANTING PLAINTIFF’S
UNOPPOSED MOTION FOR
ATTORNEY’S FEES PURSUANT TO
42 U.S.C. § 406(b)**

IMMERGUT, District Judge.

Plaintiff Megan L. B. brought this action seeking review of the Commissioner’s final decision denying her application for Supplemental Security Income (“SSI”) under Title XVI of the Social Security Act. Complaint, ECF 1. On September 16, 2022, based on the stipulation of the Parties, this Court reversed the Commissioner’s decision and remanded the case for further proceedings. Judgment, ECF 18. On remand, Plaintiff received a fully favorable decision and the Commissioner found Plaintiff entitled to SSI beginning May 31, 2017. ECF 22-2.

Plaintiff's counsel now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Motion for Attorney's Fees, ECF 22. The Commissioner has not objected to the request. *Id.* at 1. This Court has reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Under *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), this Court finds that the total fee award allowed for under § 406(b) and requested by counsel, \$12,372.25, is reasonable.

Plaintiff's Motion for Attorney's Fees, ECF 22, is hereby GRANTED, and Plaintiff's counsel is awarded \$12,372.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, this Court awarded Plaintiff's counsel \$3,338.46 in fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Order, ECF 21. Plaintiff's counsel shall refund the amount of \$3,338.46 already received by counsel under the Equal Access to Justice Act. Any funds withheld by the Commissioner in anticipation of an order under § 406(b), less an administrative assessment pursuant to 42 U.S.C. § 406(d), may be paid to Kevin Kerr, using the information on file with the Agency, consistent with this order.

IT IS SO ORDERED.

DATED this 10th day of November, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge